



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2017 Biennium

Bill #	SB0112	Title:	Require TMDL development for certain water bodies
Primary Sponsor:	Ankney, Duane	Status:	As Introduced

- | | | |
|---|--|--|
| <input type="checkbox"/> Significant Local Gov Impact | <input type="checkbox"/> Needs to be included in HB 2 | <input checked="" type="checkbox"/> Technical Concerns |
| <input type="checkbox"/> Included in the Executive Budget | <input type="checkbox"/> Significant Long-Term Impacts | <input type="checkbox"/> Dedicated Revenue Form Attached |

FISCAL SUMMARY

	<u>FY 2016 Difference</u>	<u>FY 2017 Difference</u>	<u>FY 2018 Difference</u>	<u>FY 2019 Difference</u>
Expenditures:				
General Fund	\$0	\$0	\$0	\$0
Revenue:				
General Fund	\$0	\$0	\$0	\$0
Net Impact-General Fund Balance:	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

Description of fiscal impact: This bill has no fiscal impact to the state.

FISCAL ANALYSIS

Assumptions:

- Under the Montana Water Quality Act, the Department of Environmental Quality (department) must prepare a total maximum daily load (TMDL) on every threatened or impaired water body or water body segment. Prior to January 1, 2015, the department was prohibited by order of the federal district court for Montana from issuing a new discharge on a threatened or impaired water body or water body segment prior to the preparation of a TMDL for that water body or water body segment.
- The above-referenced court order no longer prohibits issuance of a permit on a threatened or impaired water body. Therefore, the department may now issue a permit to discharge to threatened or impaired water body or water body segment prior to the preparation of a TMDL for that water body or water body segment.
- Section 1(9)(a) of SB 112 applies to discharge permit applications received on or after the effective date of SB 112 and requires the department to complete a TMDL on a threatened or impaired water body or water body segment within 180 days of receipt of an application when completion of a TMDL is required before issuance of the permit.
- Because completion of a TMDL is not required prior to issuance of permit, section 1(9)(a) will never apply to a permit application.

5. Section 1(9)(c) of SB 112 applies to discharge permit applications received prior to the effective date of SB 112 and requires the department to complete a TMDL on “an affected water body or an affected segment of a water body” within 180 days of that effective date.
6. As used in section 1(9)(c), the term “an affected water body or an affected segment of a water body” is ambiguous. For purposes of this fiscal note, it is assumed that the term means a water body or segment for which a TMDL must be prepared before a permit may be issued.
7. Because completion of a TMDL is not required prior to issuance of permit, section 1(9)(c) will never apply to a permit application.
8. Because completion of a TMDL is not required prior to issuance of a permit, no permit will be delayed and no costs will be incurred and payable under section 1(9)(d).

Technical Notes

1. As used in section 1(9)(c), the term “an affected water body or an affected segment of a water body” is ambiguous. The term could mean any water body or segment for which a TMDL must be prepared or it could mean only those water bodies or segments for which a TMDL must be prepared before a permit may be issued.

Sponsor's Initials

Date

Budget Director's Initials

Date